

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION

No. 5:09-CR-00324-F-1

No. 5:16-CV-00519-F

DOUGLAS THOMAS ROBERTS, II,       )  
  )  
                          Petitioner,       )  
  )  
                          v.                    )  
  )  
UNITED STATES OF AMERICA,        )  
  )  
                          Respondent.     )

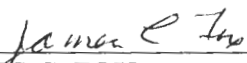
ORDER

This matter is before the court on Douglas Thomas Roberts, II's Motion to Vacate, Set Aside, or Correct Sentence pursuant to 28 U.S.C. § 2255 [DE-64]. Having examined Roberts's motion pursuant to Rule 4(b) of the Rules Governing § 2255 Proceedings, the United States Attorney is DIRECTED to file an Answer pursuant to Rule 5, Rules Governing § 2255 Proceedings, or to make such other response as appropriate to the above-captioned § 2255 motion within **forty (40)** days of the filing of this order.

Roberts asserts a challenge based on *Johnson v. United States*, 135 S. Ct. 2551 (2015), but he had retained counsel when he was previously before this court. Thus, the Office of the Federal Public Defender will not appointed to represent Roberts pursuant to Standing Order No. 15-SO-2 (E.D.N.C. Oct. 16, 2015).

SO ORDERED.

This 17<sup>th</sup> day of June, 2016.

  
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JAMES C. FOX  
SENIOR UNITED STATES DISTRICT JUDGE